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UNCLAS KUWAIT 000147

SIPDIS

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SUBJECT: CLARIFYING STATUS OF NON-U.S. PERSONNEL IN KUWAIT

1. Summary and Action Request. Embassy has learned that some DOD contract personnel working in Kuwait believe that their close support of DOD activities here entitles them to the same criminal/liability protections enjoyed by U.S. military and DOD civilians. This may very well not be the case. Embassy requests Department coordination with appropriate agencies to ensure contractors are apprised of the need to review thoroughly their legal responsibilities while working in Kuwait. End of Summary and Action Request.

2. Should they become involved in traffic accidents or matters of a criminal nature in Kuwait, U.S. Military, DOD Civilian and other direct-hire USG Civilian personnel (U.S. Personnel) have liability and criminal responsibility coverage provided by USG including USG/GOK agreements such as the Defense Cooperation Agreement (DCA). However, non-direct hire and other foreign nationals working in Kuwait under contract to USG may not. We encourage non-U.S. Personnel, including U.S. contractors, to promptly register with Kuwaiti authorities and secure adequate private insurance and liability coverage in Kuwait.

3. Colonel Adeeb M. Al-Suwaidan, Manager, Department of Ports, Kuwait Immigration Department, Ministry of the Interior, met with U.S. Army ARCENT-KU Host Nation Officers and Econoff on January 5. Colonel Suwaidan's office is responsible for immigration issues at all Kuwaiti airports, seaports and land crossing points.

4. According to Colonel Suwaidan, any vehicle accident claims against foreigners working for the U.S. Forces that are sent to the Kuwaiti Government, are forwarded to the ARCENT-KU Host Nation Liaison at Camp Doha.

5. There, according to ARCENT-KU Host Nation Officer, U.S. Personnel involved in vehicular accidents receive a translation of their sworn accident report and a letter from ARCENT-KU stating the individual's immunity in accordance with the DCA. U.S. Personnel also receive a supporting cover letter from the Kuwait Ministry of the Interior. These reports are filed with the local Kuwait police station. Follow-on legal issues are settled on the individual's behalf bilaterally by the two governments.

6. For all others working in support of, or under contract to the U.S. Military (including U.S. contractors), ARCENT-KU provides only a translation of the accident report. Any claims directed against contractor personnel are submitted to and are the responsibility of their own sponsor in Kuwait, not the USG or GOK.

7. Comment. We have received reports that some personnel working under contract to USG entities in Kuwait may labor under a possible misperception that their contract with the USG, de facto, makes them "members of the command" and thereby entitled to treatment as if indeed, de jure, they were actual U.S. Personnel. This may well not be the case, according to OMC-K SJA. In order to avoid potentially serious civil and possibly criminal penalties, all contractors should ensure that they properly register with the GOK and obtain adequate local insurance/liability coverage. End Comment.

8. Baghdad minimize considered.

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